

HENRY C. QUERY, JR.

Patent Attorney At Law

RECEIVED
CENTRAL FAX CENTER
SEP 10 2004**FACSIMILE TRANSMITTAL SHEET**

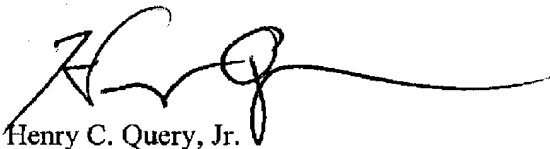
TO:	FROM:
Examiner Brian Halford	Henry C. Query, Jr.
COMPANY:	DATE:
USPTO - Group Art Unit 3672	September 10, 2004
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
703-872-9326	7
SUBJECT:	
U.S. Patent Application No. 09/932,539	
Inventor(s): McIntosh	
Filed: 08/17/2001	
For: Multiple Bore Christmas Tree Outlet	
Attorney Docket No.: FMCE-P064	

THIS TRANSMITTAL IS INTENDED FOR DELIVERY ONLY TO THE PERSONS LISTED ABOVE. IT MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION, THE DISCLOSURE OF WHICH IS PROHIBITED. IF YOU RECEIVED THIS TRANSMITTAL IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE TO ARRANGE FOR THE RETURN OF THIS DOCUMENT.

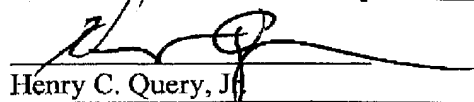
Dear Examiner Halford:

Enclosed in connection with the above-referenced application is a Response to Office Action, which is responsive to the Office Action dated June 10, 2004.

Sincerely,


Henry C. Query, Jr.**Certificate of Facsimile Transmission Under 37 CFR 1.8**

I hereby certify that this correspondence, consisting of 7 total pages, is being facsimile transmitted to the U.S. Patent and Trademark Office on September 10, 2004.


Henry C. Query, Jr.

504 S. Pierce Avenue, Wheaton, IL 60187 Phone: (630) 260-8093 Fax: (630) 260-8093

Attorney Docket No.: FMCE-P064

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER
SEP 10 2004

In re Application of: McIntosh)	
)	
Serial No.: 09/932,539)	Group Art Unit: 3672
)	
Filed: 08/17/2001)	Examiner: B. Halford
)	
For: MULTIPLE BORE CHRISTMAS)	
TREE OUTLET)	

Henry C. Query, Jr.
504 S. Pierce Ave.
Wheaton, IL 60187

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Office Action

This communication is responsive to the Office Action dated June 10, 2004.

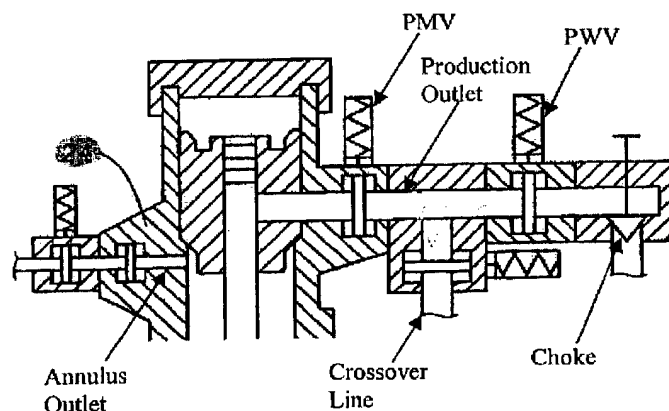
Reconsideration of the above-identified application is respectfully requested.

Claims 1, 3, 6-8, 10 and 13 stand rejected under 35 U.S.C. 102(e) as being anticipated by Hopper et al. (U.S. Patent No. 6,431,285). The Examiner asserts that Hopper discloses a horizontal tree 24 which comprises a horizontal production passage that includes a first end which is connected to the production bore 21 and a second end from which multiple production outlets extend. In this regard, the Examiner has interpreted the term "first end" to be the point in the production passage which is just upstream of what he has labeled the "First Outlet" in the reproduction of Figure 3A appearing on page 3 of the Office Action.

Attorney Docket No.: FMCE-P064

However, applicant respectfully submits that the Examiner's understanding of Hopper is incorrect. Although Hopper does not disclose what the various conduits shown in Figure 3A represent, the conduit which the Examiner has labeled "First Outlet" is likely a crossover line, not a production outlet. In this regard, Hopper states that the tree 24 is a horizontal tree of known construction (column 5, lines 4-7). Horizontal trees usually include two valves to control the flow of fluid through the production outlet: a production master valve ("PMV"), which is usually the first valve the outgoing fluid encounters, and a production wing valve ("PWV"), which is located downstream of the production master valve. In addition, horizontal trees often include a crossover line to connect the production outlet to the annulus outlet, and this crossover line usually intersects the production outlet between the PMV and the PWV.

Referring to the reproduction of Figure 3A shown below, therefore, one can presume that Hopper's tree 24 includes both a PMV and a PWV in the production outlet. One can also see that this tree includes an annulus outlet which communicates with the production tubing annulus. Thus, it is reasonable



Attorney Docket No.: FMCE-P064

to assume that the conduit which branches off of the production outlet from between the PMV and the PWV is a crossover line that connects to the annulus outlet.

In addition, horizontal trees typically include a choke to control the flow of fluid through the production outlet. Moreover, this choke is usually always located in the production outlet. Thus, since the conduit which the Examiner has labeled "Second Outlet" contains a choke, one can reasonably conclude that this conduit is the sole production outlet in Hopper's tree 24.

With respect to independent claims 1 and 8, therefore, Hopper does not disclose a tree which includes multiple production outlets extending from a production passage. As discussed above, Hopper's tree 24 includes only one production outlet, that is, the outlet in which the choke is located (and which the Examiner has labeled "Second Outlet"). The conduit which the Examiner believes is a second outlet (and which the Examiner has labeled "First Outlet"), is a crossover line, not a production outlet. Therefore, Hopper does not anticipate either claim 1 or claim 8.

Furthermore, since claims 3, 6, 7, 10 and 13 depend from claims 1 and 8, these claims are also novel over Hopper for the reasons stated above.

Claims 8, 10 and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Weston (U.S. Patent No. 4,703,807). The Examiner asserts that Figure 10 of this patent shows a horizontal tree which comprises two production outlets 310, 312. The Examiner apparently believes that the brief description of

Attorney Docket No.: FMCE-P064

Figure 10 appearing on lines 15-18 of column 7 supports the conclusion that what is shown in Figure 10 is in fact a "horizontal tree."

However, contrary to the Examiner's assertion, Figure 10 of Weston does not depict a horizontal tree. In the embodiment shown in Figure 10, the housing 11 of the valve 10 may be considered a tree, but the tubing hanger 4 is not installed in this housing. Rather, the tubing hanger 4 is installed a tubing head 5 which is located below the housing 11 (see Figure 6 for reference numbers). As applicant established in his Amendment of February 11, 2004, a horizontal tree is generally understood by the person of ordinary skill in the art to be a tree which includes a vertical production bore in which the tubing hanger is installed. Thus, the valve housing 11 cannot be considered a "horizontal tree." Therefore, Weston does not anticipate claims 8, 10 and 13.

Regarding Weston's use of the term "horizontal tree", we can only presume that the definition implied by the brief description of Figure 10 has been superseded by the more commonly accepted definition. Also, the drafter of this passage may actually have intended to use the phrase "horizontal plane tree", since this would be consistent with the terminology appearing on lines 26-29 of column 1.

Claims 8, 10 and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hynes et al. (U.S. Patent No. 4,513,823). However, as with Weston, Hynes does not disclose a horizontal tree. Although the housing 12 of the valve 10 shown in Figure 8 may be considered a tree, the tubing hanger 38 is not installed in this housing. Rather, the tubing hanger 38 is installed in a

Attorney Docket No.: FMCE-P064

wellhead 14 which is located below the housing 12. Thus, the housing 12 cannot be considered a "horizontal tree." Therefore, Hynes does not anticipate claims 8, 10 and 13.

Claims 2, 4, 5, 9, 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hopper alone. However, claims 2, 4 and 5 depend from claim 1 and claims 9, 11 and 12 depend from claim 8. Therefore, to the extent that this rejection is based on the Examiner's belief that claims 1 and 8 are anticipated by Hopper, claims 2, 4, 5, 9, 11 and 12 are patentable over this patent for the reasons stated above with respect to claims 1 and 8.

Claims 2, 4, 5, 9, 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Weston alone. However, claims 2, 4 and 5 depend from claim 1, and Weston clearly does not disclose a tree having a production passage that includes a first end which is connected to the production bore and a second end from which multiple production outlets extend, as is required by claim 1. Therefore, claims 2, 4 and 5 are patentable over Weston under 35 U.S.C. 103(a).

Also, claims 9, 11 and 12 depend from claim 8. Therefore, to the extent that this rejection is based on the Examiner's belief that claim 8 is anticipated by Weston, claims 9, 11 and 12 are patentable over Weston for the reasons stated above with respect to claim 8.

Claims 2, 4, 5, 9, 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hynes alone. However, claims 2, 4 and 5 depend from claim 1, and Hynes clearly does not disclose a tree having a production passage

Attorney Docket No.: FMCE-P064

that includes a first end which is connected to the production bore and a second end from which multiple production outlets extend, as is required by claim 1.

Therefore, claims 2, 4 and 5 are patentable over Hynes under 35 U.S.C. 103(a).

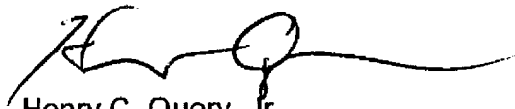
Also, claims 9, 11 and 12 depend from claim 8. Therefore, to the extent that this rejection is based on the Examiner's belief that claim 8 is anticipated by Hynes, claims 9, 11 and 12 are patentable over Hynes for the reasons stated above with respect to claim 8.

The prior art made of record but not relied upon has been considered but is not believed to be pertinent to the patentability of the present application.

In light of the foregoing, claims 1-13 are submitted as allowable.

Favorable action is solicited.

Respectfully submitted,



Henry C. Query, Jr.
Reg. No. 35,650
(630) 260-8093

Date: September 10, 2004